

### COMPARISON OF DRAFTS 1 AND 2 FOR 9 VAC 25-260-275

PROCESS STEP	DRAFT 1	DRAFT 2
Types of discharges covered under 275: <ul style="list-style-type: none"> <li>Sewage discharges, since those are the types of discharges that will cause a condemnation</li> <li>Only new or expanded sewage discharges to designated aquaculture enhancement areas</li> </ul>	All VPDES applications must have an alternatives analysis.	Only those VPDES applications that do not violate the general standard have to do the alternatives analysis (i.e., they 'pass' the test of section 270, generally speaking, this means there is no shellfish resource present now).
Results of alternatives analysis – VPDES application is deemed feasible, least environmental impact and no significant socio-economic impact	VPDES application considered complete and processed - can still be denied under 270 if the general standard is not met (generally speaking this means if a shellfish resource is present now). If application then 'passes' section 270 test, VPDES application process continues.	Application considered completed and processed.
Results of alternatives analysis – an alternative to VPDES application is deemed feasible, least environmental impact and no significant socio-economic impact	VPDES application is deemed incomplete while the applicant pursues the alternative, which may or may not be approved by appropriate regulatory authority [e.g., the VDH].	Same as Draft 1.
Action by appropriate approval authority on "better" alternative[s]	If appropriate approval authority approves alternative, project proceeds. If appropriate approval authority rejects alternative, VPDES application is considered complete and processed. If VPDES application then 'passes' section 270 test, VPDES application process continues.	If appropriate approval authority approves alternative, project proceeds. If appropriate approval authority rejects alternative, VPDES application is considered complete and processed.